



S. Russell Sylva
Commissioner

Paul T. Anderson
Regional Environmental Engineer

Alano Frank

62304

The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Department of Environmental Quality Engineering

Southeast Region

Lakeville Hospital, Lakeville, Massachusetts 02346

947 1231, Ext. 680 684

December 31, 1985

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

City of New Bedford
Department of Public Works
133 William Street
New Bedford, Massachusetts 02740

ATTENTION: Robert J. Couto
Commissioner

Gentlemen:

RE: NEW BEDFORD--Incident Response
Release of Hazardous Material,
706 Acushnet Ave., Intersection
of Pearl St. and Acushnet Ave.,
Intersection of Wamsutta St. and
Acushnet Ave. & Howard St. Substation
NOTICE OF RESPONSIBILITY
M.G.L., Chapter 21E

The Department of Environmental Quality Engineering, on December 6, 1985, received correspondence from Robert J. Couto, Commissioner, Department of Public Works, informing the Department that hazardous materials, specifically, Polychlorinated Biphenyls (PCB) sludge/sediment, are present at the above sites.

In addition, on December 20, 1985, the Department received a telephone call from Mr. Couto reporting that PCB contaminated soil was found at the Howard Street Substation.

These conditions constitute a threat of release of hazardous materials from the sites. The prevention and/or mitigation of such a release or threat of release is governed by M.G.L., Chapter 21E, the "Massachusetts Oil and Hazardous Material Release, Prevention and Response Act."

This letter is to inform you that:

1. Based on information available to the Department of Environmental Quality Engineering, the Department has reason to believe that the City of New Bedford is a responsible party with liability under M.G.L., Chapter 21E, Section 5(a)(1). The nature of this liability is joint and several without regard to fault;
2. The Department intends to arrange for or to take actions which it deems necessary to respond to the release/threat of release;
3. The City of New Bedford may take the prescribed response actions in lieu of the Department.

The liability noted in one above, for the City of New Bedford, may include up to three times the cost of:

- a. All response costs incurred by the Department due to the release/threat of release, including all contract, administrative and personnel costs; and
- b. All damages for any injury to, destruction or loss of natural resources due to release/threat of release.

The liability constitutes a debt to the Commonwealth. The debt, together with interest, creates a lien on all non-residential real property owned by the City of New Bedford located in the Commonwealth of Massachusetts. In addition to the foreclosure remedy provided by the lien, the Attorney General of the Commonwealth may recover the debt or any part of it in an action against the City of New Bedford. You may also be liable under M.G.L., Chapter 21E, Section 11 for up to \$25,000 in fines or penalties for each violation of Chapter 21E as well as for additional penalties or damages pursuant to other statutes or common law.

If you intend to take the necessary response actions in lieu of the Department, you must notify the Department, in writing, of your intent no later than Monday, January 13, 1986 and enter into a contract no later than Friday, January 17, 1986, with a Massachusetts licensed cleanup contractor to take all necessary remedial and/or preventive response actions (i.e. assessments, containment and/or removal actions) relative to the release/threat of release.

If the Department does not hear from you within the time specified above, the Department will commence response actions and expect to recover from you to the extent of liability set forth above.

If you have any questions regarding this matter, you may contact Christine LeBlanc of this office.

Very truly yours,

For the Commissioner

Christopher Tilden, P.E., Chief
Solid and Hazardous Waste Section

T/CL/kd

CERTIFIED MAIL #P518418715
RETURN RECEIPT REQUESTED

cc: Office of Incident Response
ATTN: James Colman

Mayor Elect John Bullard
City of New Bedford
133 William St.
New Bedford, Mass. 02740

Mayor Brian Lawler
City of New Bedford
133 William St.
New Bedford, Mass. 02740

Richard Hughto
Camp Dresser & McKee, Inc.
1 Center Plaza
Boston, Mass. 02108

William Swanson
Camp Dresser & McKee, Inc.
One Center Plaza
Boston, Mass. 02108

Board of Health
217 City Hall
New Bedford, Mass. 02740

Div. of Water Pollution Control
ATTN: Philip S. Ripa